IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1670 of 2002 (S/B)

Yogesh Chandra Joshi
S/o Shri Vishambhar Dutt Joshi
Assistant Teacher (L.T. Grace)
Leelawati Pant Government Inter College
Bhimtal, Nainital. ……..Petitioner

Versus

1. State of Uttaranchal, through Secretary
   Department of Secondary Education
   Government of Uttaranchal, Dehradun.
2. Director of Education, Uttaranchal Government
   Dehradun.
3. Regional Joint Director of Education,
   Kumaon Region, Nainital.
4. District Inspector of Schools, Nainital.
5. Accounts Officer, Officer of the District Inspector
   of Schools, Nainital.
6. Principal Leela Wati Pant Government Inter College
   Bhimtal, Nainital. ……Respondents

Shri Narayan Dutt, learned counsel for the petitioner.
Shri N.P. Sah, learned counsel for the respondents.

Hon'ble Prafulla Pant, J.

Heard Sri Narayan Dutt, learned counsel for the petitioner and learned standing counsel for the State.

2. By means of this writ petition, the petitioner has prayed to issue a writ in the nature of mandamus directing the respondents to treat him promoted in L.T. Grade w.e.f. 02.12.1996 i.e. after completing 5 years' service on the post of C.T. Grade Teacher and grant of consequential benefits including seniority to the petitioner.

3. The factual matrix of the case is that Deputy Director of Education, Kumaon Mandal, Nainital issued an advertisement dated 25.10.1990 for appointment of

teachers in the pay-scale of Rs. 1290-2040 in different Govt. Colleges of Kumaon Mandal. The petitioner, alongwith others, applied and was selected to the post of Assistant Teacher in C.T. Grade. On 25.11.1991, the appointment letter was issued to the petitioner and he was posted at Govt. Inter College, Danya, District Almora. The petitioner has submitted that as per Govt. Order issued by the Government on 19.02.1991, he was entitled to be promoted as L.T. Grade Teacher after completing five years' service in C.T. Grade i.e. from 02.12.1996. However, the respondents have not promoted the petitioner from the aforesaid date, consequently he was compelled to file the present writ petition. In support of his statement, the petitioner has placed reliance on the judgment of Allahabad High Court in case of Santosh Kumar Singh Vs. District Inspector of Schools, Meerut and others, reported in 1996 (2) U.P. Local Bodies & Educational Cases, page 1166 and in other judgment of Allahabad High Court (Lucknow Bench) in writ petition No. 5545 (S/S) 1992 Rajkiya Shikshak Sangh and another Vs. State of U.P. and another delivered on 15.10.1999.

4. In case of Santosh Kumar Singh Vs. District Inspector of Schools, Meerut and Ors., the Allahabad High Court has held that the District Inspector of Schools has committed error while interpreting the aforesaid Govt. Order to the extent that only those C.T. Grade Teachers who have completed five years' service as C.T. Grade Teacher will be promoted as L.T. Grade Teacher if found suitable. The Court has further held that it is a wrong interpretation of Govt. Order. The C.T. Grade has now a

dying cadre and those teachers who have completed five years' in C.T. Grade, automatically became L.T. Grade Teachers and there is no question of considering their suitability. Since, the petitioner in that writ petition was appointed as C.T. Grade Teacher on 01.12.1984, he completed five years' service in the post on 01.12.1989 and, as such, the Allahabad High Court has held that the petitioner was entitled to be promoted in L.T. Grade Teacher w.e.f. 01.12.1989.

5. Learned Standing Counsel, as per the instructions received by him from Joint Director of Educaiton, Kumaon Region, Nainital, made a submission on behalf of the respondents that the petitioner has already been given L.T. Grade w.e.f. 02.12.1996. The relief clause in the writ petition, shows that the petitioner has sought mandamus directing respondents to promote the petitioner as L.T. Grade Teacher w.e.f. 02.12.1996 i.e. after he completed five years of service on the post of C.T. Grade with all consequential benefits including seniority to the petitioner. Since in view of the submission made by learned Standing Counsel, the grievance of the petitioner stands redressed to the extent that he has been given promotion in L.T. Grade w.e.f. 02.12.1996 when he completed five years of service, this writ petition deserves to be disposed of with the direction that the petitioner shall be entitled to the consequential benefit including the seniority in the matter.

6. Accordingly, the writ petition is disposed of with the observation that in view of the statement made by learned standing counsel that petitioner has already been given

L.T. Grade w.e.f. 02.12.1996, the petitioner shall be entitled to the consequential benefits including the seniority as per the rules.

Dt. 07.12.2006 **(Prafulla C. Pant, J.)**

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